

## Introduced by Senator Lowenthal

February 22, 2005

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An act to amend Sections 66452.8 and 66452.9 of the Government Code, relating to subdivided lands.

## LEGISLATIVE COUNSEL'S DIGEST

SB 983, as introduced, Lowenthal. Tentative maps: notice.

The Subdivision Map Act requires a subdivider prior to the filing of a tentative map to give a 60-days notice in a specified form to each tenant of the subject property and to each person applying after the date for rental of a unit of the subject property immediately prior to the acceptance of any rent or deposit from the prospective tenant by the subdivider. The act also requires a subdivider who fails to give the required notice to pay each prospective tenant his or her actual moving expenses and the first month's rent in an amount not to exceed \$500 for each expense.

This bill would extend the notice period to 90 days and increase this maximum expense amount to \$750 for each expense.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 66452.8 of the Government Code is  
2 amended to read:  
3 66452.8. (a) Commencing at a date not less than ~~60~~ 90 days  
4 prior to the filing of a tentative map pursuant to Section 66452,  
5 the subdivider or his or her agent shall give notice of ~~such~~ the  
6 filing, in the form outlined in subdivision (b), to each person  
7 applying after ~~such~~ that date for rental of a unit of the subject

property immediately prior to the acceptance of any rent or deposit from the prospective tenant by the subdivider.

(b) The notice shall be as follows:

“To the prospective occupant(s) of

\_\_\_\_\_ :  
(address)

The owner(s) of this building, at (address), has filed or plans to file a tentative map with the (city, county, or city and county) to convert this building to a (condominium, community apartment, or stock cooperative project). No units may be sold in this building unless the conversion is approved by the (city, county, or city and county) and until after a public report is issued by the Department of Real Estate. If you become a tenant of this building, you shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

\_\_\_\_\_  
(signature of owner or owner’s agent)

\_\_\_\_\_  
(dated)

I have received this notice on \_\_\_\_\_.  
(date)

\_\_\_\_\_  
(prospective tenant’s signature)”

(c) Failure by a subdivider or his or her agent to give the notice required in subdivision (a) shall not be grounds to deny the conversion. However, if the subdivider or his or her agent fails to give notice pursuant to this section, he or she shall pay to each prospective tenant who becomes a tenant and who was entitled to such notice, and who does not purchase his or her unit pursuant to subdivision (d) of Section 66427.1, an amount equal to the sum of the following:

(1) Actual moving expenses incurred when moving from the subject property, but not to exceed ~~five hundred dollars (\$500)~~ *seven hundred fifty dollars (\$750)*.

(2) The first month's rent on the tenant's new rental unit, if any, immediately after moving from the subject property, but not to exceed ~~five hundred dollars (\$500)~~ *seven hundred fifty dollars (\$750)*.

The requirements of this subdivision constitute a minimum state standard. However, nothing in this subdivision shall be construed to prohibit any city, county, or city and county from requiring, by ordinance or charter provision, a subdivider to compensate any tenant, whose tenancy is terminated as the result of a condominium, community apartment project, or stock cooperative conversion, in amounts or by services which exceed those set forth in paragraphs (1) and (2) of this subdivision. In the case of such a requirement by any city, county, or city and county, a subdivider who meets the compensation requirements of the local ordinance or charter provision shall be deemed to satisfy the requirements of this subdivision.

SEC. 2. Section 66452.9 of the Government Code is amended to read:

66452.9. (a) Pursuant to the provisions of subdivision (a) of Section 66427.1, the subdivider shall give notice ~~60~~ *90* days prior to the filing of a tentative map pursuant to Section 66452 in the form outlined in subdivision (b), to each tenant of the subject property.

(b) The notice shall be as follows:

"To the occupant(s) of

\_\_\_\_\_  
(address)

The owner(s) of this building, at (address), plans to file a tentative map with the (city, county, or city and county) to convert this building to a (condominium, community apartment, or stock cooperative project). You shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

\_\_\_\_\_  
(signature of owner or owner's agent)  
\_\_\_\_\_

1 (date)”

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3 The written notices to tenants required by this section shall be  
4 deemed satisfied if such notices comply with the legal  
5 requirements for service by mail.

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